

REMARKS

The decision of the Board of Patent Appeals and Interferences (“The Board”) mailed on August 17, 2006 over-ruled the outstanding rejections of claims 1-13, 15 through 28, 30, 31, 36 and 37 under 35 USC 102 as anticipated by Thibadeau, and the rejections of claims 14, 29 and 32 through 35 as unpatentable over Thibadeau. Discussing the information filtering system of Thibadeau, the Board specifically noted that “Regardless of whether Thibadeau’s receivers meet the claimed information site, we do not find that Thibadeau teaches using a network as claimed.” In its decision, however, the Board entered new grounds of rejection of claims 1, 16 and 31 under 35 U.S.C. 102(e) as anticipated by U.S. Patent 6,664,922 to Fan (“Fan”) and new grounds of rejection under 35 U.S.C. 102(e) of claim 32 as anticipated by U.S. Patent 5,933,811 to Angles, et. al. (“Angeles”). The Board left it to the Examiner to consider whether the limitations of the claims dependent upon claims 1, 16 and 31 are anticipated by or obvious over these references. In view of these new grounds of rejection, application submits an appropriate amendment and respectfully requests that prosecution be re-opened under 37 CFR 41.50(b).

By this amendment Applicant cancels 24 claims and adds 17 new claims to more clearly define the invention. Applicant’s amendment is appropriate because it amends existing claims or substitutes new claims for the rejected claims and is drawn to the subject matter to which the new ground of rejection applies. See, MPEP 1214.01.

The Board’s first new ground of rejection asserts that Fan teaches a system where a client provides Global Positioning System information to a server, where the server obtains relevant information and provides the relevant information to the user over a network. Recognizing that Fan discloses a system using the Global Positioning System (“GPS”), the

Board specifically states “Thus, we consider Fan’s server, which receives GPS data to perform the claimed step of determining location data of a user.”

At col. 1, lines 46- 52, Fan discloses “...a method is provided for distributing location-relevant information over a data network to a client includes: (a) providing a GPS position of the client to a server over the data network; (b) obtaining at the server the location-relevant information using the GPS position provided by the server; and (c) returning to the client the location-relevant information.” At col. 3, lines 10-31, Fan further discloses that an operator of mobile unit 1 transmits a query in an outbound data package with pseudo range information derived from GPS code sequences or measured position data obtained by applying a triangulation technique on the pseudo ranges thorough a wireless link 23 and a service connection 10 on data network 27 to data processing station 18, which acts as a server. Col. 3, lines 41-51 of Fan disclose that data processing station 18 enters the measured position data obtained by triangulation into a position table 33 or triangulates received pseudo range information to obtain the position data to enter into position table 33. Fan, col. 4, lines 36-39 discloses that data processing station 18 searches database 32 and associated map area storage to process the operator’s query received in the outbound package.

New claim 40 recites a computer implemented method of communicating information concerning a target location (information based information) from a server (information site) to a user’s computing/communications device communicatively connected to the server on a network. As distinguished from Fan, which relies upon determining the physical location of a mobile device to determine the information sought by the user, claim 40 recites determining the target location information sought by the user independently of the user’s current physical location. This feature is supported in the application at page 10, lines 14-24. Fan, as a GPS

based system directed to locating mobile devices, fails to suggest the features in new claim 40. Similar arguments apply to new claims 47 and 54, respectively drawn to a computer readable data storage medium and to a system for communicating to a user content in categories assigned for at least one of a plurality of target locations.

The invention recited in present claim 40 provides features not available in the system disclosed by Fan. For example, Fan is limited to obtaining information corresponding to the present location of a mobile device. The invention in present claim 40 permits a user of a stationary or mobile unit to specify any geographic location and obtain information for that location, even when the user specified location is different from the present situs of the computing/communications unit. Thus, according to the invention in claim 40, a user can obtain from the server information specific to any target location. Claim 40 further recites that the server retrieves from a database at least one category of sponsored information for the target location. While Fan discloses that the mobile device may receive advertising, Fan fails to disclose a computer implemented method of communicating such target location information to a user where the target location information sought by the user is for a location determined independently of the physical location of the user and where the information is provided by exclusive sponsors for respective information categories. Thus, Fan does not disclose or suggest the features of independent claim 40.

New claim 42 more clearly recites that the user can receive target location selection options, while claim 43 further recites that the target location selection options can be presented to the user as a series of more increasingly more specific geographic subdivisions. Examples of such subdivisions are state, county, municipality, and zip code, as disclosed in the specification and in cancelled claim 15. This feature is supported in the specification at least at Figure 4 and the corresponding discussion on pages 13 and 14. Claim 44 recites that

the server can be configured to deliver information from exclusive sponsors for a specific period of time. None of these features is found in the cited references.

New claims 47 - 54 similarly recite these distinguishing features. New claims 47 – 53 recite a computer readable data storage medium with a first program code that determines the target location independently of the physical location of the computing/communications device. A second program code retrieves from a database categories of sponsored information provided by exclusive sponsors, while a third program code delivers the sponsored information to the computing/communication device. Claim 47 and its dependent claims are thus all distinguished over the cited references. Claim 54 is a system claim, which is similarly distinguished over the references.

Claims 55 and 56 recite a network in which the sponsorship time periods can be auctioned. Specifically, claims 55 and 56 recite a method of allocating to sponsors specific time periods for providing the target location to a user in a computer implemented network for communicating target location information to a user. Support is found in the specification at least at page 14, lines 11-20. No such arrangement is disclosed in any of the references.

The Board's decision introduced U.S. Patent 5,933,811 to Angles, et al. as a new ground of rejection of claim 32. Claim 32 has been amended to incorporate the location features of claim 40. Support for this amendment is found in the specification at least at page 12, lines 20-25. As previously discussed, Fan does not disclose the features of claim 40. Nothing in Angles provides the disclosure lacking in Fan. Thus, amended claim 32 is distinguished over these references.

In view of the above, the claims as amended are patentably distinguished over the newly cited references and early notice of same is respectfully requested.

Respectfully submitted,

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